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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,785	01/10/2006	Andrea Seger	SEGE3004/FJD	5731
7590 03/17/2008				
Bacon & Thomas 4th Floor 625 Slaters Lane Alexandria, VA 22314-1176			EXAMINER SONG, DAHIO D	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 03/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,785

Applicant(s)

SEGER ET AL.

Examiner

DAEHO D. SONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 2/9/05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the initial Office Action based on the application number 10523785, filed January 10, 2006. Claims 1-18 have been originally filed and cancelled Claims 1-9. Claims 10-18 are currently pending and have been considered below. Claim 10 is the independent claims.

Information Disclosure Statement

1. The information disclosure statement filed 2/9/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no English translation, at least Abstract, of the foreign patent documents, such as DE 198 46 596 and DE 196 51 270. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

2. Claim 13 is objected to because of the following informalities: Claim 13 recites "*etc*", which is not to be used as a claim language. Appropriate correction is required.
3. Claim 13 is objected to because of the following informalities: Claim 13 recites "*event-*" and "*alarm-*", and those hyphens are to be omitted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 recites "Microsoft platform", and it is vague and indefinite whether it indicates application or operating system. (Note: The examiner will interpret it as Microsoft Operating System).

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6. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites “additional information”, and it is vague and indefinite in terms of defining the additional information.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 10, 12-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartikainen et al. (hereinafter Hartikainen): US Patent No. 6,298,377.

Hartikainen teaches:

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Claim 10. A method for operating a field device, which is connected by way of a data bus with a control system, by means of a graphical user interface (GUI) and a device description file for the field device, comprising the step of:

loading the device description file having two components, a data component and a presentation component, together dynamically at run time into a browser (col. 2 lines 35-60; col. 3 lines 5-20 & 45-60; Claim 3: the device description file that processes the collected data/data component, and that displays the data information at the graphical user interface by means of a web browser) .

Claim 12. The method as claimed in claim 10, wherein: the run time environment is a Microsoft platform (col. 5 lines 14-24: running on the Microsoft Operating System such as Windows NT).

Claim 13. The method as claimed in claim 10, wherein: the data component contains parameter names, event- and alarm-texts, coded additional information, etc (col. 1 lines 29-35; col. 2 lines 35-45: the data component including configuration data, event/alarm data, and other information such as maintenance data).

Claim 14. The method as claimed in claim 10, wherein: the presentation component contains information for visualizing and explaining the process component of concern (col. 3 lines 5-20: displaying of the graphical process

diagram of the field device management system).

Claim 16. The method as claimed in claim 10, wherein: the operation includes start-up, maintenance, simulation, data protection, problem removal and device documentation (col. 5 lines 14-23: the Windows Operating System includes start-up, maintenance, simulation, back-up/data protection, problem resolution and documentation).

Claim 17. The method as claimed in claim 10, further comprising the step of: using the Internet Explorer of Microsoft® as the browser (col. 3 lines 45-60: using a commercial web browser, such as the Internet Explorer).

Claim 18. The method as claimed in claim 10, further comprising using the Netscape Navigator of Netscape as the browser (col. 3 lines 45-60: using a commercial web browser, such as the Netscape Navigator).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartikainen in view of Bayeh et al. (hereinafter Bayeh); US Patent No. 6,012,098.

As indicated in the above rejection, Hartikainen discloses every limitation of claim 10.

Hartikainen fails to expressly disclose:

The data component is an XML-file and the presentation component is an XSL-file.

Bayeh teaches:

The data component is an XML-file and the presentation component is an XSL-file (col. 4 lines 50-65: XML-file as input data and XSL-file format as output data).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Hartikainen, to include: *the data component is an XML-file and the presentation component is an XSL-file*, for the purpose of providing a way of retrieving data stream in HTML format to be displayed to a user, as taught in Bayeh.

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11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartikainen in view of Tidwell, II: US Patent No. 5,859,637.

Hartikainen fails to expressly disclose:

providing dynamic, relevant links on the GUI for invoking an online/offline help.

Tidwell teaches:

providing dynamic, relevant links on the GUI for invoking an online/offline help

(Figs. 4A-C; col. 1 lines 12-24: providing a way of dynamic links for invoking an online/offline help using GUI).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Hartikainen, to include: *providing dynamic, relevant links on the GUI for invoking an online/offline help*, for the purpose of providing a way of help system by means of GUI wizard for a user, as taught in Tidwell.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 5712724137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D. S./
Examiner, Art Unit 2176

/William L. Bashore/
William L. Bashore
Primary Examiner
Tech Center 2100